

S/N: 10/024,105
Reply to Office Action of November 2, 2005

Atty Dkt No. GOPI 0114 PUS

Remarks

In response to the Office Action mailed November 2, 2005, Applicants have amended the above-identified application in the manner suggested by the Examiner during an informal interview on May 1, 2006. Applicants respectfully request reconsideration of the present application in view of the present Amendment.

After the informal interview, Applicants forwarded a draft Amendment to the Examiner for his consideration. Having not heard back from the Examiner, Applicants have contemporaneously filed a Notice of Appeal to ensure consideration of this Amendment.

Without acquiescing in the Examiner's grounds for rejection, and for the sole purpose of expediting prosecution by placing the above-identified application in a condition for allowance, Applicants have cancelled claims 6, 8-9, 16-17, 30-69 and 73-76, and amended claims 1, 10, 12, 70 and 78-79. No new matter has been added by the virtue of the present Amendment. Moreover, Applicants reserve the right to prosecute any cancelled claims in a continuation application.

As a preliminary matter, Applicants note the indication of allowability of claims 9, 10 and 12 on page 6 of the Office Action. Applicants' amended claims 1 and 70 to include the limitations of claim 9.

Claims 1, 4, 5, 7, 10-15, 17-29, 47, 70-72, 78 and 79 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-94 of U.S. Patent No. 6,224,548 in view of *David*.

Claims 1, 4, 5, 7, 10-15, 17-29, 47, 70-72, 78 and 79 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-100 of U.S. Patent No. 6,248,064 in view of *David*.

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Claims 1, 4, 5, 7, 10-15, 17-29, 47, 70-72, 78 and 79 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6,540,673 in view of *David*.

Claims 1, 4, 5, 7, 10-15, 17-29, 47, 70-72, 78 and 79 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-64 of U.S. Patent No. 6,595,918 in view of *David*.

By this Amendment, claims 1 and 70 were amended to include the limitations of claim 9. Notably, claim 9, as well as independent claim 77, were not subject to the double patenting rejections. Accordingly, Applicants respectfully request a withdrawal of each of the double patenting rejections.

Claims 6, 8, 16, 17, 33, 37-46, 48-69 and 73-76 were rejected under 35 U.S.C. § 112, first paragraph. Applicants respectfully traverse this rejection. For the reasons discussed above, these claims have been cancelled. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 112, first paragraph rejection.

Claims 1, 4, 5, 7, 14, 15, 17-29, 47, 70-72, 78 and 79 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *David*. Applicants respectfully traverse this rejection. For the reasons discussed above, claims 1 and 70 have been amended to include the limitations of claim 9. Accordingly, *David* does not anticipate the claims of the present invention. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection.

Claims 11 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *David*. Applicants respectfully traverse this rejection. This rejection has been overcome as these claims depend from claim 1 and are therefore patentable for at least the same reasons

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as claim 1. Moreover, these claims add further features and limitations which render them separately allowable.

Claims 78 and 79 were rejected under 35 U.S. C. § 101. Applicants respectfully traverse this rejection. For the reasons discussed above, claims 78 and 79 have been amended to address the 35 U.S. C. § 101 rejection in the manner suggested by the Examiner in the outstanding Office Action. Accordingly, Applicants' respectfully request withdrawal of the 35 U.S.C. § 101 rejection.

The present Amendment was not earlier presented because the Applicants believe that the prior Amendment had placed the application in a condition for allowance. The present Amendment does not raise any new issues and does not require further searching on the part of the Examiner. It is believed that the present Amendment places the application in condition for allowance. Entry is therefore solicited.

Applicants submit that the application is in a condition for allowance and respectfully requests a notice to that effect. If the Examiner believes that telephone conference will advance the prosecution of this application, such a conference is invited at the convenience of the Examiner.

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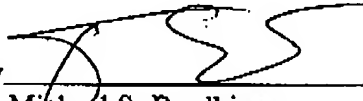
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The Commissioner is hereby authorized to charge the \$510.00 3 Month Extension of Time fee to our Deposit Account No. 02-3978. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,
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Date: May 2, 2006

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